

Wetlands Bureau Decision Report

Decisions Taken
09/19/2011 to 09/25/2011

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2005-03055 BROOKS HOLDINGS LLC
TILTON Unnamed Wetland Ice House Pond

Requested Action:

Request permit time extension.

Conservation Commission/Staff Comments:

ARM Payment was deposited for mitigation of impacts.

With Conditions:

1. The owner, authorized agent or applicant certifies that this permit qualifies for a permit extension in accordance with RSA 482-A:3, XIV-a, and Env-Wt 502.01. 2. This permit has been extended in accordance with RSA 482-A:3, XIV-a and Env-Wt 502.01.

With Findings:

1. The owner, authorized agent or applicant certifies that this permit qualifies for a permit extension in accordance with RSA 482-A:3, XIV-a, and Env-Wt 502.01. 2. This permit has been extended in accordance with RSA 482-A:3, XIV-a and Env-Wt 502.01.

2006-01506 VINTAGE TRUST, C/O ENTHUSIASTS INC
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Applicant requests an amendment and waiver to Rule Env-Wt 402.02, Dimensions, to increase the width of an approved pier to 8 ft on the grounds that an addition 375 feet of frontage will be dedicated to the docking structure.

APPROVE AMENDMENT:

Construct 235 linear ft of wood walkway over an existing concrete walkway, install a 14 ft x 35 ft seasonal canopy over a slip provided by an existing "F" shaped docking structure, remove an existing 6 ft x 30 ft seasonal pier and construct an 8 ft x 52 ft piling pier and a 6 ft x 30 ft piling pier connected by an 8 ft x 50 ft piling pier in an "F" configuration and drive two 3 pile ice clusters and a install seasonal boatlift on an average of 1,647 of frontage along Lake Winnepesaukee on Long Point, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated May 24, 2006, as received by the Department on June 19, 2006 and plans by Watermark Marine Construction dated October 28, 2009, as received by the Department on April 14, 2010.

2. This permit shall not be effective until it has been recorded with the Carroll County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. In accordance with Rule Env-Wt 402.19, Deed Restriction, the Permittee shall file a restrictive covenant in the appropriate Registry of Deeds dedicating 900 linear, and contiguous, ft of shoreline frontage to maintenance of the docking structure shown on the plans by Watermark Marine Construction dated October 28, 2009, as received by the Department on April 14, 2010. This frontage shall be restricted such that it may not be used to support or justify the construction of any additional docking structure

unless the structures shown on the approved plans are reduced to the standard pier widths of 6 ft. A copy of the recorded deed restriction shall be submitted to the DES Wetlands Bureau prior to construction.

4. The 235 ft wood walkway shall maintain the size, location and configuration of the existing concrete walkway.
5. No work is authorized to the existing 32 ft 6 in x 45 ft dug-in boathouse an "F" shaped crib dock on the frontage.
6. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
7. No portion of the pier shall extend more than 50 feet from the shoreline at full lake elevation.
8. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
9. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
10. This permit does not allow for beach replenishment
11. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
12. The proposed 35 ft long canopy shall be reduced to the standard length of 30 ft prior to the approval of any additional canopy on the frontage.
13. All activity shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(d), construction of a docking facility providing more than 5 slips.
2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
3. The applicant has an average of 1,647 feet of frontage along Lake Winnepesaukee.
4. A maximum of 22 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
5. The existing and proposed docking facility will provide 13 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
6. The Applicant has agreed to restrict the frontage to eliminate future potential dock construction that could provide 5 boat slips on this frontage in support of request for a waiver of Rule Env-Wt 402.01, Dimensions.
7. Public hearing is waived based on field inspection, by NH DES staff, on December 3, 2006, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
8. The proposed dock location is exposed to sufficient fetch to meet the requirements of Rule Env-Wt 402.05.
9. The proposed 35 ft long canopy shall be reduced to the standard length of 30 ft prior to the approval of any additional canopy on the frontage.
10. The Applicant has met the criteria of Rule Env-Wt 204, Criteria, for a waiver of Rule Env-Wt 402.01.

-Send to Governor and Executive Council-

2009-02443 NH SPEEDWAY INC
CANTERBURY Unnamed Wetland

Requested Action:

Amendment proposal to impact an additional 1,360 sq. ft. of ditched forested wetlands to improve safety access to and from the facility.

APPROVE AMENDMENT:

Fill approximately 1,415 sq. ft. of wetlands for the installation of a 15 in. x approximately 65 ft. CPP culvert to connect recent drainage improvements, improve public safety and increase the existing operation area. Work in wetlands will consist of installation of the new culvert and associated backfilling and grading. Amend permit to add an additional 1,360 sq. ft. of wetlands impact to improve safety access to and from the facility. The additional work includes extending the existing culvert, associated back filling, grading and stone headwall.

With Conditions:

1. All work shall be in accordance with plans by Stoney Ridge Environmental, LLC and Richard D. Bartlett & Associates, LLC dated October 5, 2009 and narratives as received by DES on October 18, 2009 and plans and narratives by Stoney Ridge

Environmental, LLC dated September 13, 2011 and plans by Richard D. Bartlett & Associates, LLC., dated September 9, 2011 as received by DES on September 14, 2011.

2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
7. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
8. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
9. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
10. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

DES reaffirms findings 1 through 9.

1. This is a major impact project per Administrative Rule Env-Wt 303.02(m) Any project that is related to other applications or permits in the wetlands area or wetlands complex in a manner such that if the proposed action were considered to be in a single application the combined impact would be considered major.
2. This project is not considered maintenance of existing structures that would potentially qualify as a minimum impact project.
3. The project is within a portion of the existing hospitality and media location area at the facility that is located within the Town of Canterbury along Loudon Town boundary. The recent Wetlands Bureau approval File #2009-00482 was for adjacent work located within the Town of Loudon and is related to this proposal because it was conducted within the last 5 years and is considered by DES as part of the previously approved project to make drainage improvements, address public safety and upgrade the existing commercial facility.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 5. The impact area is a small isolated drainage area that connects the existing closed drainage system within the hospitality and media location.
6. DES conducted a field inspection of the proposed impact area on November 19, 2009. Field inspection determined that due to the location of the proposed impact area and its relative small size that its main function and value is to convey storm flow through the adjacent drainage system.
7. The mitigation approval for Wetlands Bureau File #2009-00482 is adequate for the additional wetlands impact.
8. DES has not received any comments in opposition to the proposed impact.
9. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine wetland.

2011-00200 CITY OF PORTSMOUTH
PORTSMOUTH Sagamore Creek

Requested Action:

Dredge and fill 1,049 square feet of tidal wetland and impact 14,992 square feet of previously developed upland tidal buffer zone for the removal and replacement of an existing deteriorated bridge. Temporarily impact 85 square feet of tidal wetland and 15,080 square feet of previously developed upland tidal buffer zone for the installation of temporary trestles for construction access and roadway approach work to the bridge.

Inspection Date: 06/16/2011 by David A Price

APPROVE PERMIT:

Dredge and fill 1,049 square feet of tidal wetland and impact 14,992 square feet of previously developed upland tidal buffer zone for the removal and replacement of an existing deteriorated bridge. Temporarily impact 85 square feet of tidal wetland and 15,080 square feet of previously developed upland tidal buffer zone for the installation of temporary trestles for construction access and roadway approach work to the bridge.

With Conditions:

1. All work shall be in accordance with revised plans by Fay, Spofford & Thorndike, LLC dated November 2010, revised April 14, 2011 as received by the NH Department of Environmental Services (DES) on August 2, 2011.
2. This permit is contingent upon the submission to and approval by DES Wetlands Bureau of the final draft of the stormwater pollution prevention plan ("SWPPP").
3. The applicant shall notify and coordinate with the National Marine Fisheries and NH Fish and Game Department immediately prior to commencement of project construction to coordinate fisheries resources timing protections within the project area, and shall notify DES in writing that the required coordination has taken place to the resource agencies satisfaction.
4. The applicant shall notify the DES Shellfish Program immediately prior to commencement of project construction, and shall notify DES Wetlands in writing that the required notification has taken place.
5. Dredging in tidal waters shall be done between November 15 and March 15, and shall not be permitted during fish migration or larval setting stage of shellfish.
6. Dredged material shall be placed out of the NHDES jurisdiction unless otherwise specified.
7. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during low tide.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters, unless other methods are specifically authorized by the DES Wetlands Bureau after submittal of a SWPPP.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Construction equipment shall not be located within surface waters.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. Installation and removal of temporary piers shall occur at low tide.
14. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Appropriate storm water management and erosion control Best Management Practices (BMP) shall be implemented to ensure turbidity impacts are minimized and water quality standards are not violated. If the BMP conflicts with terms or conditions of this permit, the terms and conditions of this permit shall control.
18. The applicant/contractor shall limit unnecessary removal of vegetation within riparian areas during road construction and areas cleared of vegetation shall be re-vegetated as quickly as possible after construction to minimize erosion and restore wildlife habitat.
19. Land clearing in jurisdictional areas during construction is to be kept to a minimum to reduce impacts on wildlife habitat.
20. Standard precautions shall be taken not to import or transport soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
21. There shall be no further alteration of wetlands or surface waters without amendment of this permit.
22. At least 48 hours prior to the start of each construction contract, a pre-construction meeting shall be held with NHDES Wetlands Bureau and / or other Land Resources Management Program staff at the project site or at the NHDES Office in Portsmouth, N.H. to

review the conditions of this wetlands permit and any environmental commitments stated in the approved documents.

23. It shall be the responsibility of the permittee to schedule and coordinate the pre-construction meeting providing at least 5-day notice to the NHDES Wetlands Bureau and / or other Land Resources Management Program staff, and the meeting shall be attended by the permittee, wetlands scientist(s), erosion control monitor, and the contractor(s) responsible for performing the work.

24. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.

25. Any temporary impacts shall be regraded to original contours and replanted with similar vegetation.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for repairs of existing structures pursuant to Env-Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing bridge is in need of replacement due to safety reasons and is currently on the NH Department of Transportation's (NHDOT) Red List. In the fall of 2009, the bridge was posted for a 6-ton weight limit and an E-2 restriction which excludes certain vehicles from crossing the bridge.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The proposed bridge replacement has been designed within the existing bridge footprint to minimize impacts within DES jurisdiction. The four new piers that will be installed within the river will be offset by the removal of the existing four bridge piers. Temporary trestles will be constructed for construction equipment and the new piers will be drilled rather than excavating for footings which typically require large cofferdam construction. Retaining walls will be installed along the existing causeways to insure that wetland impacts are minimized at the base of the abutments.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. The Natural Heritage Bureau (NHB) has record of five exemplary natural communities and one state-endangered plant species within the project vicinity. After further review by the applicant's agent, NHB reported in a memo dated 12/30/2011 that impacts are not expected to the exemplary natural communities and the state-endangered plant species as a result of the project.
5. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the estuarine resource, as identified under RSA 482-A:1.
6. DES Staff conducted a field inspection of the proposed project on June 16, 2011 and found that the site is accurately represented in the application.
7. The Portsmouth Conservation Commission recommends approval of the project.
8. The project received a DES Shoreland Permit, 2011-863, on 5/10/2011.

-Send to Governor and Executive Council-

2011-00508 TOWN OF EPPING
EPPING Unnamed Stream

Requested Action:

Dredge 800 sq. ft. (200 linear ft.) of a perennial stream.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge 800 sq. ft. (200 linear ft.) of a perennial stream.

With Findings:

1. On July 7, 2011, DES sent a letter entitled "Request For More Information" to the applicant of record. Based on DES review of the application, DES requested the applicant's response to the following outstanding issues:
 - a. The Town of Epping was listed as the landowner, however review of the tax map finds that the owner is listed as Chevig Mallouf. Chevig Mallouf was listed in the application as an abutter. The application also states that the work will take place within a drainage easement given to the Town of Epping by the landowner. DES requested a copy of the drainage easement and clarification of the ownership/abutter/easement discrepancy and resubmission to DES of corrected information.
 - b. Abutters were not re-notified after the application was disqualified under DES File# 2010-2630. DES requested that abutters be

re-notified, by certified mail, and submit copies of the certified mail receipts to DES;

c. The project is classified as a major impact project in accordance with Env-Wt 303.02(i) and the application did not contain the necessary items in accordance Env-Wt 501.02 regarding the plans. Further, the need to impact jurisdictional areas and the least impacting alternative was not clearly demonstrated in accordance with Env-Wt 302.04(a)(1) and Env-Wt 302.04(a)(2);

d. No compensatory mitigation was provided in accordance with Env-Wt 800 and Env-Wt 501.02(a)(6).

2. The application as submitted does not meet the requirements of Env-Wt 302.03 and 302.04(a), therefore pursuant to Env-Wt 302.04(e)(2) the Department shall not grant a permit, and therefore the application has been denied.

3. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.

4. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2011-00514 EPPING, TOWN OF
EPPING Drainage Swale

Requested Action:

Dredge 3,360 sq. ft. (560 linear ft.) of a perennial stream.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge 3,360 sq. ft. (560 linear ft.) of a perennial stream.

With Findings:

1. On July 7, 2011, DES sent a letter entitled "Request For More Information" to the applicant of record. Based on DES review of the application, DES requested the applicant's response to the following outstanding issues:

a. The Town of Epping was listed as the landowner, however review of the tax map finds that the owner is listed as Elm & Ebberhardt Partners. Elm & Ebberhardt Partners was listed in the application as an abutter. The application also states that the work will take place within a drainage easement given to the Town of Epping by the landowner. DES requested a copy of the drainage easement and clarification of the ownership/abutter/easement discrepancy and resubmission to DES of corrected information;

b. Abutters were not re-notified after the application was disqualified under DES File# 2010-2630. DES requested that abutters be re-notified, by certified mail, and submit copies of the certified mail receipts to DES;

c. The project is classified as a major impact project in accordance with Env-Wt 303.02(i) and the application did not contain the necessary items in accordance Env-Wt 501.02 regarding the plans. Further, the need to impact jurisdictional areas and the least impacting alternative was not clearly demonstrated in accordance with Env-Wt 302.04(a)(1) and Env-Wt 302.04(a)(2);

d. No compensatory mitigation was provided in accordance with Env-Wt 800 and Env-Wt 501.02(a)(6).

2. The application as submitted does not meet the requirements of Env-Wt 302.03 and 302.04(a), therefore pursuant to Env-Wt 302.04(e)(2) the Department shall not grant a permit, and therefore the application has been denied.

3. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.

4. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2011-00515 TOWN OF EPPING
EPPING Unnamed Wetland

Requested Action:

Dredge 2,600 sq. ft. (260 linear ft.) of a perennial stream.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge 2,600 sq. ft. (260 linear ft.) of a perennial stream.

With Findings:

1. On July 7, 2011, DES sent a letter entitled "Request For More Information" to the applicant of record. Based on DES review of

the application, DES requested the applicant's response to the following outstanding issues:

- a. The Town of Epping was listed as the landowner, however review of the tax map finds that the owner is listed as Joan S. Piecuch Revocable Trust. Joan S. Piecuch Revocable Trust was listed in the application as an abutter. The application also states that the work will take place within a drainage easement given to the Town of Epping by the landowner. DES requested a copy of the drainage easement and clarification of the ownership/abutter/easement discrepancy and resubmission to DES of corrected information;
 - b. Abutters were not re-notified after the application was disqualified under DES File# 2010-2630. DES requested that abutters be re-notified, by certified mail, and submit copies of the certified mail receipts to DES;
 - c. The project is classified as a major impact project in accordance with Env-Wt 303.02(i) and the application did not contain the necessary items in accordance Env-Wt 501.02 regarding the plans. Further, the need to impact jurisdictional areas and the least impacting alternative was not clearly demonstrated in accordance with Env-Wt 302.04(a)(1) and Env-Wt 302.04(a)(2);
 - d. No compensatory mitigation was provided in accordance with Env-Wt 800 and Env-Wt 501.02(a)(6).
2. The application as submitted does not meet the requirements of Env-Wt 302.03 and 302.04(a), therefore pursuant to Env-Wt 302.04(e)(2) the Department shall not grant a permit, and therefore the application has been denied.
 3. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
 4. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2011-01508 261 CENTRAL LLC
RYE Unnamed Wetland

Requested Action:

Retain 4,331 square feet of historic fill placed for lot development, restore 1,004 square feet of filled wetland, enhance 1,636 square feet of degraded wetland and stabilize 1,047 square feet of bank along an unnamed perennial stream on a commercial lot of approximately 1.38 acres.

Conservation Commission/Staff Comments:

See findings.

In summary, the Rye Conservation Commission "sees the project as generally favorable."

Inspection Date: 04/07/2011 by Eben M Lewis

APPROVE AFTER THE FACT:

Retain 4,331 square feet of historic fill placed for lot development, restore 1,004 square feet of filled wetland, enhance 1,636 square feet of degraded wetland and stabilize 1,047 square feet of bank along an unnamed perennial stream on a commercial lot of approximately 1.38 acres.

With Conditions:

1. All work shall be in accordance with the 'Wetland Permit Plan' by 'Wetland Permit Plan' by MSC Civil Engineers & Land Surveyors, Inc. dated May 24, 2011 and revised through 8/12/11, as received by the NH Department of Environmental Services (DES) on August 15, 2011.
2. This After-the-Fact approval is contingent upon the enhancement and restoration of 3,570 square feet of forested and perennial stream.

With Findings:

1. DES Staff conducted a field inspection of the proposed project on April 7, 2011. The Town of Rye had notified DES that this particular site had fill within jurisdictional areas and impacts to a perennial stream. Field inspection found that a portion of a palustrine forested wetland had been denuded of vegetation, graded and filled for the purpose of creating useable area for a landscaping business. The banks of a perennial stream had been impacted with rock walls along its banks. DES recommended the following at the conclusion of the inspection: Submitting a Standard Dredge and Fill application ("Application") requesting to retain a portion of the impacts to include a restoration plan to restore unauthorized impacts.

2. DES received the requested Application on June 24, 2011. The application was returned to the applicant as the check submitted for the filing fee was not signed.
3. DES received the complete application, including the signed check, on June 30, 2011 and issued a 'Notice of Acceptance of Permit Application.'
4. On August 1, 2011, DES received comments on the application from the Rye Conservation Commission (the "RCC"). In summary, the RCC "sees the project as generally favorable."
5. On August 15, 2011, DES received additional plans for the application. These new plans reflected changes requested by the RCC.
6. On September 9, 2011, DES requested additional information to complete the application: The plans lacked the linear footage of impact within the stream and the application did not include a complete response to Env-Wt 302.04.
7. On September 15, 2011, DES received information to satisfy the requests of September 9, 2011.
8. This is a major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
9. The impacts are necessary to provide plant and material storage; therefore; the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
10. The wetlands adjacent to the stream will be restored or enhanced to further protect to the stream; therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
11. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
12. No Federal agencies commented on the application.
13. In a memo dated 6/9/2011, the NH Natural Heritage Bureau (the "NHB") found that "although there was a NHB record present in the vicinity, we [NHB] do not expect that it will be impacted by the proposed project.
14. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine resource, as identified under RSA 482-A:1.

2011-01536 NH DEPT OF TRANSPORTATION
RUMNEY Stinson Brook

Requested Action:

Replace deck and guardrail, install toe walls, repair wingwalls and stabilize bank impacting 2,923 sq. ft. (2,500 sq. ft. temporary) of riverine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE PERMIT:

Replace deck and guardrail, install toe walls, repair wingwalls and stabilize bank impacting 2,923 sq. ft. (2,500 sq. ft. temporary) of riverine wetlands. NHDOT project #99411Z.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance dated 6/17/11, as received by the Department on June 28, 2011.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.

6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
14. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
15. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
16. When invasive species are encountered during construction, the contractor will follow the appropriate procedures outlined in NHDOT's Best Management Practices for Roadside Invasive Plants, dated 2008 to ensure proper handling and disposal.
17. The impacts associated with the temporary work shall be restored immediately following construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), alteration of more than 200 linear feet of a stream and its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The Natural Heritage Bureau indicates that although there was a recorded species it is not expected to be impacted by the project.
6. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

2011-01646 NH DEPT OF TRANSPORTATION
PORTSMOUTH Piscataqua River

Requested Action:

Replace the Memorial Bridge and the Scott Avenue Bridge impacting 21,519 sq. ft. (5,294 sq. ft. temporary) of previously developed tidal buffer zone and estuarine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. recommends approval.

APPROVE PERMIT:

Replace the Memorial Bridge and the Scott Avenue Bridge impacting 21,519 sq. ft. (5,294 sq. ft. temporary) of previously developed tidal buffer zone and estuarine wetlands. NHDOT project #13678F.

With Conditions:

1. All work shall be in accordance with plans by McFarland Johnson dated June 2011, received by the Department on July 12, 2011.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau at least 10 working days in advance of the meeting to be held as required by permit condition #3. Those plans shall be complete and shall include details regarding the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site, at the NHDES Office in Concord, N.H. or NHDOT Office in Concord, N.H. to review the conditions of this wetlands permit.
4. It shall be the responsibility of the permittee to schedule and coordinate the pre-construction meeting providing at least 5-day notice to the NHDES Wetlands Bureau and / or other Land Resources Management Program staff, and the meeting shall be attended by the permittee, the contract administrator(s), wetlands scientist(s), erosion control monitor, and the contractor(s) responsible for performing the work.
5. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
6. Construction equipment shall not be located within surface waters.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Areas cleared of vegetation to be revegetated as quickly as possible.
14. There shall be no further alteration to wetlands, surface waters or tidal buffer zone without amendment of this permit.
15. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
16. The impacts associated with the temporary work shall be restored immediately following construction.
17. The manufactured stormwater treatment shall be inspected and maintained in accordance with the manufacturer's specifications by the owner.
18. This approval supersedes permit 2008-00203.
19. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in tidal wetlands.
2. The limited amount of work shown on the plan is intended to be the maximum amount of disturbance to the intertidal river.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
7. The project will improve public safety.
8. Natural Resource Agency meetings were held at the NH Dept. of Transportation on September 21, 2005, May 16, 2007 and

January 16, 2008 to coordinate the previously permitted project (2008-00203) which proposed only temporary impacts.

9. Since the low bidder for permit 2008-00203 was approximately \$15 Million over the engineering estimate, the applicant reviewed alternative options including a partial rehabilitation, a no build, awarding the contract as bid, or moving forward with a completely new structure which is the subject of the current application and approval.

10. Numerous Natural Resource Agency meetings were held at the NH Dept. of Transportation to discuss the project further during 2010 and 2011. The current application was filed in July 2011.

11. Pollutant loadings to impaired surface waters are not expected to increase as a result of this project due to no significant change in the area of impervious surfaces combined with installation of a hydrodynamic separator to treat stormwater.

12. Mitigation is not required per rule Env-Wt 302.03(b)(2) as the project protects existing infrastructure.

13. A letter dated August 11, 2011 from the Portsmouth Conservation Commission recommended approval of the proposed project.

-Send to Governor and Executive Council-

2011-01721 TOWN OF SURRY
SURRY Tributary To Merriam Bank

Requested Action:

Dredge and fill \pm 1,000 sq. ft. of Merriam Brook to replace the existing Joslin Rd. 14.5-ft. x 20.5-ft. arch culvert with a 22-ft. x 28-ft. bridge.

APPROVE PERMIT:

Dredge and fill \pm 1,000 sq. ft. of Merriam Brook to replace the existing Joslin Rd. 14.5-ft. x 20.5-ft. arch culvert with a 22-ft. x 28-ft. bridge.

With Conditions:

1. All work shall be in accordance with plans by Bell Engineering dated July 10, 2011, and revised through August 18, 2011, as received by the Department on August 30, 2011.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. Work shall be done during low flow conditions.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
10. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
11. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Materials used to emulate a natural channel bottom within the culvert, between wingwalls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular riprap or gravel.
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired

prior to construction.

17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

19. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.

20. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

21. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.

22. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(p), Any project that includes a new or replacement stream crossing which meets the criteria for a tier 3 stream crossing as specified in Env-Wt 904.04(a).

2. The proposed alternative meets the specific design criteria specified in Env-Wt 904.05 to the maximum extent practicable.

3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

6. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

2011-02035 TOWN OF WARNER **WARNER Silver Brook**

Requested Action:

Dredge and fill \pm 2,647 sq. ft. of Silver Brook to replace the existing Village Road 11.8 x 7.6 x 45-ft. culvert with a 18-ft. x 50-ft. precast rigid frame bridge.

APPROVE PERMIT:

Dredge and fill \pm 2,647 sq. ft. of Silver Brook to replace the existing Village Road 11.8 x 7.6 x 45-ft. culvert with a 18-ft. x 50-ft. precast rigid frame bridge.

With Conditions:

1. All work shall be in accordance with plans by Moser Engineering dated July 22, 2011, as received by the Department on August 23, 2011.

2. Work shall be done during low flow conditions.

3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.

5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

6. There shall be no excavation or operation of construction equipment in flowing water.

7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.

8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a

minimum of twenty (20) feet of undisturbed vegetated buffer.

9. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.

10. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.

11. Temporary cofferdams shall be entirely removed immediately following construction.

12. Proper headwalls shall be constructed within seven days of culvert installation.

13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

14. Materials used to emulate a natural channel bottom within the culvert, between wingwalls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular riprap or gravel.

15. The recreated stream channel bed must maintain the natural and a consistent streambed elevation and not impede stream flow.

16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.

17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

19. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.

20. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

21. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.

22. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(p), Any project that includes a new or replacement stream crossing which meets the criteria for a tier 3 stream crossing as specified in Env-Wt 904.04(a).

2. The proposed alternative meets the specific design criteria specified in Env-Wt 904.05 to the maximum extent practicable.

3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

6. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

MINOR IMPACT PROJECT

2009-01324 MARRIOTT, JOHN & ANGELA
TUFTONBORO Lake Winnepesaukee

Requested Action:

Amend permit to change dock supports from piles to cribs, and add two, 3 pile ice clusters.

Conservation Commission/Staff Comments:

Con Com has no objections to the proposed project

APPROVE AMENDMENT:

Amend permit to read: Reset 65 linear ft of rip-rap, construct a 6 ft x 50 ft crib supported pier with a 4 ft x 30 ft crib supported pier and a 6 ft x 30 ft crib supported pier in an "F" configuration, and drive 4 tie-off piling and two, 3 pile ice clusters, on an average of 292 ft of frontage on Lake Winnepesaukee in Tuftonboro.

With Conditions:

1. All work shall be in accordance with amendment request plans by Folsom Design & Construction Management, revision dated August 22, 2011, as received by the NH Department of Environmental Services (DES) on September 12, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work shall be done during low water conditions.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Work shall be conducted in a manner that avoids discharges of sediments to fish spawning areas.
7. Only rocks currently existing on site which have fallen shall be used for repair. No additional rocks may be brought to the site.
8. This shall be the only structure on this water frontage and all portions of the docking structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
9. No portion of the docking structure shall extend more than 50 feet from the shoreline at full lake elevation.
10. The maximum size of cribs shall not exceed 6 feet long by 6 feet wide and of such height as necessary to support the docking structure above the water level. Variance to this condition may be sought if water depth is greater than 6 feet.
11. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
12. The minimum clear spacing between cribs shall be 12 feet.
13. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a 4 slip, permanent docking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 292 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide X4slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
8. As documented in the Grant of Negative Easement and Transfer of Docking Rights recorded with the Carroll County Registry of Deeds on Page 0799 of Book 2893, no boat slips have been transferred from this lot to any other lot.

2010-03100 MT WILLIAMS CORP INC
WEARE Unnamed Stream

Requested Action:

Dredge and fill \pm 2,190 sq. ft. of stream remove an existing 24-inch culvert, restore stream bed and construct bridge outside of the bed and banks of the stream.

APPROVE PERMIT:

Dredge and fill \pm 2,190 sq. ft. of stream remove an existing 24-inch culvert, restore stream bed and construct bridge outside of the bed and banks of the stream.

With Conditions:

1. All work shall be in accordance with plans Michael A. Lambert, dated June 26, June 28, and July 12, 2011, as received by the Department on July 22, 2011.
2. This permit is contingent on removal of all riprap from the streambed used to construct the original crossing/ in the vicinity of the existing crossing in accordance with plans by Michael A. Lambert, dated July 12, 2011.
3. The schedule for riprap removal shall occur prior to or coincide with site construction unless otherwise considered and authorized by the DES Wetlands Bureau.
4. Work shall be during low flow conditions.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. There shall be no excavation or operation of construction equipment in flowing water.
10. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
12. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
13. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
14. Temporary cofferdams shall be entirely removed immediately following construction.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
19. The recreated stream channel bed must maintain the natural and a consistent streambed elevation and not impede stream flow.
21. Native material removed from the streambed during construction shall be stockpiled separately and reused to emulate a natural channel bottom. Any new materials used must be similar to the natural stream substrate and shall not include angular riprap.
22. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.
23. Stream banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
24. Only native plant species shall be utilized to renegotiate the riverbank.
25. Stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.
26. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
27. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
28. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau and the Piscataquog River Local Advisory Committee within thirty (30) days of the completion of

construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of stream.
2. See related Wetlands and Non-Site Specific Permit 2010-00225 for the same parcel that approved retaining 6,635 sq. ft. of palustrine forested wetlands impact and install filter fabric beneath rock sandwich crossings and install culverts within the constructed forest access road.
3. In email correspondence received September 10, 2011, the Piscataquog River Local Advisory Committee stated, "The PRLAC's primary concerns are 1) strict use of BMP's to minimize sedimentation in the river during any construction activity, and 2) the work should be done in a way that insures the streambed and banks are blended in well with the existing bed and banks by duplicating the morphology that exists up and downstream. The PRLAC would like to see before and after photos taken from the same locations so we can determine how the work went."
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2011-01115 MILAN, TOWN OF
MILAN Androscoggin River

Requested Action:

Upgrade an existing dirt boatramp with 8 ft x 36 ft wooden stairs with 5 linear feet of rip rap on each side at the edge of bank, temporarily impact 960 sq ft of wetland to construct 140 linear feet of retaining wall to construct a parking area, impact 1,247 sq ft of wetland to construct picnic areas and walking paths on the Androscoggin River, Milan.

Conservation Commission/Staff Comments:

No comments from Con Com by July 06, 2011

APPROVE PERMIT:

Upgrade an existing dirt boatramp with 8 ft x 36 ft wooden stairs with 5 linear feet of rip rap on each side at the edge of bank, temporarily impact 960 sq ft of wetland to construct 140 linear feet of retaining wall to construct a parking area, impact 1,247 sq ft of wetland to construct picnic areas and walking paths on the Androscoggin River, Milan.

With Conditions:

1. All work shall be in accordance with plans by Lea Fergus dated April 1, 2011, as received by the NH Department of Environmental Services (DES) on May 19, 2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which construction of the ramp and retaining wall will take place.
6. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
7. The boat ramp shall be utilized indefinitely as a public access to the Androscoggin River and shall not change in use.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. All wetland impacts shall be temporary, the impact areas shall be restored to original conditions after the completion of the retaining wall.
10. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in nontidal wetlands and nontidal surface waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff provided input during a pre-application meeting on April 16, 2009. At that time DES indicated that it appeared to be an approvable project if the applicable information was submitted. The subsequent application was consistent with the ideas presented at that meeting and addressed in this application.

2011-01157 EHFAR LLC
ASHLAND Squam River

Requested Action:

Dredge and fill approximately 3991 sq. ft. of wetlands for secondary emergency access to a proposed 61-lot residential subdivision with common areas located on an approximately 63 acre lot.

APPROVE PERMIT:

Dredge and fill approximately 3991 sq. ft. of wetlands for secondary emergency access to a proposed 61-lot residential subdivision with common areas located on an approximately 63 acre lot.

With Conditions:

1. All work shall be in accordance with plans by RFS Engineering dated June 1, 2011, as received by the NH Department of Environmental Services (DES) on July 18, 2011 and plan sheet W1 revision date of August 19, 2011, as received by DES on August 19, 2011.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during low flow.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands.
19. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The New Hampshire Fish and Game Department and Natural Heritage Bureau have reviewed the project due to species identified near the project site. They have concluded that the project location will not result in an impact to the identified species.
6. The United States Environmental Protection Agency (USEPA) reviewed the application file and indicated that the project is eligible as proposed for NH Programmatic General Permit (NHPGP) process.

2011-01223 NOVUS HOMES LLC
NEW CASTLE Tidal Buffer

Requested Action:

Impact a total of 7,137 sq. ft. (2,997 sq. ft. permanent & 4,140 sq. ft. temporary) on a previously developed house-lot within the upland tidal buffer zone to construct a single family dwelling with associated drainage (including a drainage swale, a rain garden & the installation of a subsurface stormwater system), grading, landscaping and site improvements.

Conservation Commission/Staff Comments:

"After review, the consensus of the [New Castle Conservation] Commission was to recommend the project not be approved."

Inspection Date: 06/10/2011 by Frank D Richardson

APPROVE PERMIT:

Impact a total of 7,137 sq. ft. (2,997 sq. ft. permanent & 4,140 sq. ft. temporary) on a previously developed house-lot within the upland tidal buffer zone to construct a single family dwelling with associated drainage (including a drainage swale, a rain garden & the installation of a subsurface stormwater system), grading, landscaping and site improvements.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering, Inc. dated April 2011 (last revised 6/13/11), as received by the NH Department of Environmental Services (DES) on July 22, 2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau may require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff and the New Castle Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(b), projects that involve work within 50 feet of a salt marsh.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on June 10, 2011. Field inspection determined this is a previously developed lot in the TBZ which was filled and leveled to existing grade per DES Wetlands permit #1992-00855 to Lucille LaRose for the purpose of developing a house-lot.
6. The DES Wetlands Board on November 21, 1995 issued First Time Extension on Permit #1992-00855 to Lucille LaRose, PO Box 173, New Castle. Location: Tax Map 4/Lot #18 adjacent to Lavenger's Creek. Permit Description: "Fill 2,000 sq. ft. in upland tidal buffer zone to raise grade of a depression in a ledge embankment to provide a home site on a single dwelling lot."
7. On June 28, 2011 the DES Solid Waste Management Bureau issued findings regarding buried asphalt on this site which had raised local concern. In part: "Be advised, pursuant to Env-Sw 302.03(9) of the New Hampshire Solid Waste Rules, the buried asphalt may remain on the property, or if disturbed for any reason may be removed from, or relocated within the property and used as common fill."
8. Based on the findings of the DES Waste Management Bureau there is no significant environmental issue associated with the buried asphalt on this site.
9. The proposed drainage swale, the rain garden and the subsurface stormwater management system to be installed on site abate concerns expressed by the New Castle Conservation Commission regarding stormwater runoff having an adverse effect on the Lavenger's Creek salt marsh.
10. The DES Wetlands Bureau concurs with the New Castle Conservation Commission in recognizing the Lavenger's Creek salt marsh as an exemplary natural community and finds that the project as proposed will not compromise the ecological integrity of this tidal ecosystem.

2011-01345 KING, CHARLES
ASHLAND Squam River

Requested Action:

Correct permit it indicate correct waterbody in description.

Conservation Commission/Staff Comments:

No comments from Con Com by Aug 17, 2011

APPROVE PERMIT:

Install a 4 ft x 24 ft seasonal dock connected to an existing 4 ft x 24 ft seasonal dock by a 4 ft x 10 ft seasonal walkway on an average of 180 ft of frontage on Squam River, in Ashland.

With Conditions:

1. All work shall be in accordance with plans by Don Carey dated May 12, 2011, as received by the NH Department of Environmental Services (DES) on August 26, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The seasonal piers shall be removed from the lake for the non-boating season.

5. No portion of the piers shall extend more than 24 feet from the shoreline at full lake elevation.
6. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system that exceeds minimum impact criteria.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 180 feet of shoreline frontage along Lake Sunapee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2011-01594 DULAC REVOC TRUST, LINDA MANS TTEE
LEBANON Unnamed Wetland

Requested Action:

Dredge and fill \pm 9,584 sq. ft. of wetlands for the construction of two affordable housing buildings consisting of 21-units on 23.9 acres.

APPROVE PERMIT:

Dredge and fill \pm 9,584 sq. ft. of wetlands for the construction of two affordable housing buildings consisting of 21-units on 23.9 acres.

With Conditions:

1. All work shall be in accordance with plans by Engineering Ventures, PC dated June 27, 2011, as received by the DES Wetlands Bureau on September 13, 2006.
2. This permit is contingent on approval by the DES Shoreland Program.
3. Work shall be done during low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Culverts shall be properly riprapped.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), Projects involving less than 20,000 square feet of

alteration in the aggregate in nontidal wetlands,

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2011-01891 THE NATURE CONSERVANCY
NEWMARKET Upland Tidal Buffer Zone

Requested Action:

Impact 3,830 sq. ft. of previously developed upland tidal buffer zone to fill in a cellar hole following removal of an existing dwelling and shed, re-grade and re-plant with natural vegetation.

APPROVE PERMIT:

Impact 3,830 sq. ft. of previously developed upland tidal buffer zone to fill in a cellar hole following removal of an existing dwelling and shed, re-grade and re-plant with natural vegetation.

With Conditions:

1. All work shall be in accordance with plans by Doucet Survey, Inc. dated July 19, 2011, as received by DES on August 5, 2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Area shall be regraded to original contours following completion of work.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(b), projects that involve work within 50 ft. of saltmarsh that do not meet the criteria of Env-Wt 303.02.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The Nature Conservancy purchased the shorefront lot on Great Bay to protect the resource and removal of the existing dwelling and restoration of a natural upland shoreline facilitates that protection.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The project consists of removing the dwelling and shed, filling the cellar hole, regrading and revegetating the lot, enhancing the natural tidal buffer zone and shoreland functions.
4. The applicant has demonstrated that this project meets the requirements of RSA 483-B by removing structures in the protected shoreland and restoring the area to a natural condition.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There was record of a State or Federally threatened or endangered species reported by the NH Natural Heritage Bureau ("NHB") as occurring in the project vicinity, but NHB does not expect the species will be impacted by the project.

2011-01937 NH FISH & GAME DEPARTMENT
HAVERHILL Connecticut River

Requested Action:

Dredge sediment from 637 sq ft of concrete logs on an existing boat ramp on the Connecticut River, in Haverhill.

Conservation Commission/Staff Comments:

No comments from Con Com by Sept 22, 2011

APPROVE PERMIT:

Dredge sediment from 637 sq ft of concrete logs on an existing boat ramp on the Connecticut River, in Haverhill.

With Conditions:

1. All work shall be in accordance with plans by FST dated July 08, 2011, as received by the NH Department of Environmental Services (DES) on August 10, 2011.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Only material deposited on the existing ramp shall be removed from the area.
5. Work shall be done during low flow.
6. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

2011-01938 NH FISH & GAME DEPARTMENT
CLAREMONT Connecticut River

Requested Action:

Dredge sediment from 930 sq ft of concrete logs on an existing boat ramp on the Connecticut River, in Claremont.

Conservation Commission/Staff Comments:

No comments from Con Com by Sept 22, 2011

APPROVE PERMIT:

Dredge sediment from 930 sq ft of concrete logs on an existing boat ramp on the Connecticut River, in Claremont.

With Conditions:

1. All work shall be in accordance with plans by FST dated July 12, 2011, as received by the NH Department of Environmental Services (DES) on August 10, 2011.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Only material deposited on the existing ramp shall be removed from the area.
5. Work shall be done during low flow.
6. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the

Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

MINIMUM IMPACT PROJECT

2011-00314 CONNELLY, ANN/NEIL
SPOFFORD Spofford Lake

Requested Action:

Appellant requests reconsideration of the Department's decision to approve a permit on the grounds the installation of the dock would crowd the cove, adversely impact the cove's visual beauty and will adversely affect the abutter's property value.

Conservation Commission/Staff Comments:

Con Com did not sign Exp Application

DENY RECONSIDERATION:

Deny reconsideration and reaffirm the approval of the Applicant's request to; "Permanently remove an existing 6 ft x 30 ft seasonal dock, install a 3 ft 6 in x 30 ft seasonal dock accessed by a 5 ft x 3 ft granite stair, construct a 400 sq ft perched beach with less than 10 cubic yards of sand, and remove 7 linear feet of retaining wall on an average of 256 feet of shoreline frontage on Spofford Lake, in Spofford."

With Findings:

Grounds for Reconsideration

1. The Appellant maintains that the Applicant should not be allowed to place a dock in the proposed location because the dock will crowd the cove in which it will be placed.
2. The Appellant maintains that the Applicant should not be allowed to place a dock in the proposed location because boats will need to approach the dock on a course that crosses the Abutter's frontage.
3. The Appellant alleges that the Department did not provide adequate time to the abutter to provide comment on the proposed project.
3. The Appellant states the proposed dock location will adversely impact the cove's visual beauty.
4. The Appellant states that the proposed pier will not be installed perpendicular to shore as required pursuant to Rule Env-Wt 402.01.
5. The Appellant states that the proposed dock will unreasonably encroach on their frontage in a manner similar to that of the offending pier that hat was the subject of Heston v. Ousler, 119 NH 58, 60-61 (1979) and therefore, should not be approved.

Standards for Approval

1. Pursuant to RSA 482-A:10, Appeals, III, "On reconsideration, the department shall receive and consider any new and additional evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration."
2. This project is classified as a minimum impact per Rule Env-Wt 303.04(a), installation of a seasonal docking structure providing no more than 2 slips.
3. In accordance with RSA 482-A:3, Excavating and Dredging Permit; Certain Exemptions, I, (d), (1), "At the time the permit

- application is submitted to the city or town clerk, the applicant shall... provide postal receipts or copies, verifying that abutters, as defined in the rules of the department, and except as further provided in said rules, have been notified by certified mail."
4. Pursuant to Rule Env-Wt 501.01, Applications for Regular Review, (c), "At the time of filing, the applicant shall notify in writing all abutters, as specified in RSA 482-A, of the application."
 5. Pursuant to Rule Env-Wt 402.01, Configuration, the standard configuration of a dock constructed on a lake or pond shall be one that is narrow, rectangular, and perpendicular to the shoreline.
 6. Pursuant to RSA 482-A:3, XIII, (a), Excavating and Dredging Permit; Certain Exemptions, "All boat docking facilities shall be at least 20 feet from an abutting property line in non-tidal waters."

Findings of Fact

1. The Applicant submitted a Minimum Impact Expedited Application to install a docking structure and create a beach on frontage on Spofford Lake, Spofford. This application was signed by the town clerk on February 3, 2011 and received by the Department on February 7, 2011.
2. The application included a copy of a certified mail receipt addressed to the Appellant indicating an abutter notification letter had been sent to the appellant.
3. The address on the certified abutter notification receipt is the same address for the abutter as the address provided by the abutter via email to the town dated February 9, 2011.
4. The abutter sent an email to the town and the agent dated February 9, 2011, stating he had not received the abutter notification letter. This email stated he was aware of the proposed project.
5. On February 10, 2011, the agent replied to the appellant and the town via email, this reply included an attached copy of the abutter letter.
6. Emails from the Department, the town, and the agent for the Applicant to the Appellant document that the Appellant had been made aware of the Minimum Impact Application submitted to the Department by the Applicant.
7. On February 14, 2011, the Department advised the Appellant via an email to submit any comments with regards to the project to the file within 2 weeks. This would still allow the Department to review the file within the time frames allowed.
8. The Department issued a Request for More Information letter to the Applicant on February 28, 2011. This letter was issued 25 days after the town clerk signed the Minimum Impact Expedited Application.
9. The Department received an email from the attorney for the Appellant on March 8, 2011. This email stated the Appellant would be submitting comments to the Department to review with the file.
10. The attorney for the Appellant submitted comments to the file via email on March 10, 2011. This information was received 10 days after the Department issued the Request for More Information letter to the Applicant.
11. On April 26, 2011, the agent for the Applicant requested a time extension to submit the information requested in the Request for More Information letter dated February 28, 2011.
12. On April 27, 2011, the Department received an email from the attorney for the Appellant requesting to be notified of any correspondence generated by the Department with regards to this file.
13. On June 27, 2011, the Department received a response from the agent for Applicant to the file. This response included new plans for docking structure and beach on the frontage.
14. The proposed dock, as shown on the plans, is configured so as to be perpendicular to the shoreline from which it extends.
15. On July 11, 2011, the attorney for the Appellant submitted an email inquiring if the applicant had submitted any new correspondence to the file.
16. On July 19, 2011, the Department forwarded a copy of the most recent submittal to the attorney for the Appellant. This included a copy of the most recent plans and a copy of the extension request.
17. On July 27, 2011, the Department approved the application for permit to install a dock and construct a perched beach on the frontage.
18. In its decision on February 14, 1979, the Supreme Court of New Hampshire (the Court) stated "There is no precedent in this State concerning the issue of proper allocation of water space between abutting littoral owners." In the absence of precedent the Court chose to "adopt a rule of reasonable use as the guidepost in adjudging the permissible exercise of a shorefront owner's littoral rights."
19. RSA 482-A:3, was amended by Chapter 224:1 of the 1998 Regular Session to add paragraph XIII, which requires that docking structures shall be set back 20 feet from abutting property lines.
20. The proposed dock, as shown on the plans, meets the 20 ft setback to property lines required pursuant to RSA 482-A:3, XIII.
21. The Request for Reconsideration did not include any new documentation or evidence which was not available to the Department at the time the original decision was made.

Rulings in Support of the Decision

1. The adoption of RSA 482-A:3, XIII in 1998 requiring a 20 ft setback for docking structures to property lines established a precedent for allocating water space between abutting littoral owner in the State which was not available to the Court in 1979 in their deliberation of *Heston v. Ousler*. The Department reaffirms its decision to approve the dock in the proposed location on the ground that the abutter setback requirement, as established in RSA 482-A:3, XIII, has been met.
2. The Appellant was notified of the application's filing as required pursuant to RSA 482-A:3. The Appellant's comments relative to the application as submitted were considered by the Department in the review of the file. While there are deadline requirements established by which the Department must review applications, there are no provisions requiring, or allowing, the Department to hold the review of applications to allow for the submittal of abutter comment on modifications which may be made to an application. As such, the Department finds no ground, relative to the ability of the abutter to submit comment to the file, on which to reconsider its decision to approve the application.
3. The Department has not received conclusive evidence that this project will have a quantifiable negative impact on the aesthetic values of Spofford Lake.
4. The dock as proposed meets the configuration requirement of Rule Env-Wt 402.01.

2011-00755 WOLFEBORO, TOWN OF **WOLFEBORO Unnamed Wetland**

Requested Action:

Proposal to dredge and fill 2,265 sq. ft. of forested wetlands for creation of additional Town of Wolfeboro cemetery plots.

Conservation Commission/Staff Comments:

1. The Conservation Commission commented that they have no objection to the proposal as submitted.

APPROVE PERMIT:

Dredge and fill 2,265 sq. ft. of forested wetlands for creation of additional Town of Wolfeboro cemetery plots.

With Conditions:

1. All work shall be in accordance with narratives by Ilex Wetlands Consultants and plan by Roseen Survey PLLC, dated March 15, 2011, as received by the NH Department of Environmental Services (DES) on April 13, 2011 and plan by SFC Engineering Partnership, Inc., dated June 24, 2011, as received by DES on July 14, 2011.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
7. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each

operator shall be trained in its use.

12. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed project is across Middleton Road from the existing South Wolfeboro Cemetery. 6. The applicant has indicated that the Town is required by law to provide suitable cemetery space.
7. The applicant has requested a waiver to Administrative Rule Env-Wt 304.04(a) "The department shall limit the location of a project to at least 20 feet from an abutting property line or imaginary extension thereof over surface water unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interests".
8. The proposed impacts are 15-feet from the abutting property line.
9. The applicant has attempted to get permission from the abutting property owner.
10. The applicant has not received a response from the affected abutter.
11. The 15 foot setback would provide additional space for access and increase the number of available plots.
12. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.04.
13. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

2011-01032 NH DEPT OF TRANSPORTATION
LACONIA Unnamed Wetland Paugus Bay

Requested Action:

Construct a new drainage system and outfall impacting 447 sq. ft. (382 sq. ft. temporary) of palustrine and lacustrine wetlands to accommodate a single lane roundabout.

Conservation Commission/Staff Comments:

Cons. Comm. - no comments

APPROVE PERMIT:

Construct a new drainage system and outfall impacting 447 sq. ft. (382 sq. ft. temporary) of palustrine and lacustrine wetlands to accommodate a single lane roundabout. NHDOT project #15691

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 3/31/11, as received by the Department on May 12, 2011.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau at least 10 working days in advance of the start of construction. Those plans shall be complete and shall include details regarding the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Temporary cofferdams shall be entirely removed immediately following construction.

6. Construction equipment shall not be located within surface waters.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
13. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
14. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
15. The impacts associated with the temporary work shall be restored immediately following construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wet meadow.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. On July 7, 2011, the DES requested the applicant update the Natural Heritage Bureau letter as the one submitted had expired and to provide better pictures of the jurisdictional area.
6. On August 23, 2011 the DES received information as requested and a new set of plans intended to show erosion controls or strategies.
7. Due to the timing of the project bid process the applicant requested the permit be issued with a condition that the erosion control plans be submitted prior to construction.

2011-01606 FARINOLA, MICHAEL
CENTER BARNSTEAD Suncook River

Requested Action:

Retain a 4 ft x 40 ft seasonal dock accessed by steps dug in the bank on approximately 525 ft of frontage along the Suncook River, in Center Barnstead.

Conservation Commission/Staff Comments:

Con Com did not submit comments by Aug 22, 2011

APPROVE AFTER THE FACT:

Retain a 4 ft x 40 ft seasonal dock accessed by steps dug in the bank on approximately 525 ft of frontage along the Suncook River, in Center Barnstead.

With Conditions:

1. All work shall be in accordance with plans, as received by the NH Department of Environmental Services (DES) on August 26, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The seasonal pier shall be removed from the river for the non-boating season.
5. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
6. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), installation of a seasonal dock.

2011-01621 DS COWLES FAMILY TRUST
MEREDITH Unnamed Wetland

Requested Action:

Proposal to dredge and fill 2485 sq. ft. (includes 445 sq. ft. of temporary impact) of man-made wetlands to relocate an existing 4 in. drain, provided access and construction of a proposed single family residence.

APPROVE PERMIT:

Dredge and fill 2485 sq. ft. (includes 445 sq. ft. of temporary impact) of man-made wetlands to relocate an existing 4 in. drain, provided access and construction of a proposed single family residence.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates "Existing Conditions" plan dated June 23, 2011, as received by the NH Department of Environmental Services (DES) on July 11, 2011 and "Proposed Conditions" plan dated August 30, 2011, as received by DES on September 3, 2011.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for the lot shall contain condition #2 of this approval.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant's agent has indicated that the subject lot and wetlands was created from a 4 inch drain from an existing sewer manhole since the previous subdivision was constructed and wetlands delineated.
6. The applicant has requested a minimal amount of fill to utilize the lot he purchased without the new wetland identified.

2011-01748 SCHLANG, JOHN
NORTHWOOD Unnamed Wetland

Requested Action:

Fill 2,829 sq. ft. of wetland in two locations and installation of four 12 in. x 10 ft. culverts to construct a driveway to serve a single-family residential lot.

APPROVE PERMIT:

Fill 2,829 sq. ft. of wetland in two locations and installation of four 12 in. x 10 ft. culverts to construct a driveway to serve a single-family residential lot.

With Conditions:

1. All work shall be in accordance with revised plans by William T. Wormell dated September 2011, as received by the NH Department of Environmental Services (DES) on September 19, 2011.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet in swamps and wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant has demonstrated that wetland impact is necessary to access uplands.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant has demonstrated that the wetland crossings are located at the most narrow locations and has reduced the amount of wetland impacts from the original submittal.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The NH Natural Heritage Bureau (NHB) has no record of a rare

wildlife, plant, and/or natural community present within the vicinity of the project area.

2011-01859 570 LACONIA ROAD LLC
TILTON Unnamed Stream Unnamed Stream

Requested Action:

Dredge and fill 521 square feet of wetland to install a 18" x 30' long culvert for construction of a shared driveway to two commercial lots.

APPROVE PERMIT:

Dredge and fill 521 square feet of wetland to install a 18" x 30' long culvert for construction of a shared driveway to two commercial lots.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants LLC dated 7/25/2011, as received by the NH Department of Environmental Services (DES) on 8/10/2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Tilton Conservation Commission provided comments dated 8/16/2011, to which the applicant responded on 8/23/2011. No further comments were received from the Tilton Conservation Commission.

2011-01922 KIMBALL ISLAND TRUST
CENTER HARBOR Squam Lake

Requested Action:

Retain 255 sq ft of impacts to install submarine cable to Kimball Island, on Squam Lake, in Center Harbor.

Conservation Commission/Staff Comments:

No Comments from Con Com by Sept 22, 2011

APPROVE AFTER THE FACT:

Retain 255 sq ft of impacts to install submarine cable to Kimball Island, on Squam Lake, in Center Harbor.

With Conditions:

1. All work shall be in accordance with plans by John Derr dated July 27, 2011, as received by the NH Department of Environmental Services (DES) on August 09, 2011.
2. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ae), installation of residential utility lines.

2011-01962 L & R REAL ESTATE DEVELOPMENT LLC
HOOKSETT Drainage Swale

Requested Action:

Dredge and fill 723 sq. ft. of man-made wetlands ("swale") to relocate existing stormwater runoff for redevelopment (proposed carwash) on an existing commercial lot.

APPROVE PERMIT:

Dredge and fill 723 sq. ft. of man-made wetlands ("swale") to relocate existing stormwater runoff for redevelopment (proposed carwash) on an existing commercial lot.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc., dated July 20, 2011, as received by the NH Department of Environmental Services (DES) on August 12, 2011.
2. Work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2011-02000 NEW HAMPTON, TOWN OF
NEW HAMPTON Unnamed Stream

Requested Action:

Impact a total of 1,264 square feet of perennial stream to replace an existing degraded 36" culvert with an 8' x 13' x 35' long open bottom box culvert at a Tier 2 stream crossing.

APPROVE PERMIT:

Impact a total of 1,264 square feet of perennial stream to replace an existing degraded 36" culvert with an 8' x 13' x 35' long open bottom box culvert at a Tier 2 stream crossing.

With Conditions:

1. All work shall be in accordance with plans by Right Angle Engineering PLLC dated 7/21/2011, as received by the NH Department of Environmental Services (DES) on 8/17/2011.
2. This permit is contingent upon receipt and approval by DES, prior to the commencement of construction, of a detailed dewatering plan showing both plan detail and narrative description of the installation of water quality protection measures, and the location, installation, and proposed removal of the by-pass pipe, and means of stabilizing the stream bank.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. Silt fencing must be removed once the area is stabilized.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 904.06(c), repair or rehabilitation of an existing Tier 2 stream crossing..
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing culvert is under-sized and deteriorated and prone to flooding.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The replacement open bottom box culvert will provide much greater flow capacity, and will provide aquatic species passage that is relatively non-existent with the current culvert.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project vicinity.

5. The New Hampton Conservation Commission did not report.

FORESTRY NOTIFICATION

2011-02077 NEELY, ROBERT
NEW DURHAM Unnamed Stream

COMPLETE NOTIFICATION:
New Durham Tax Map 252, Lot# 10

2011-02080 HILDRETH TRUST- TRUST B, RON GACICIA
HOLLIS Unnamed Stream

COMPLETE NOTIFICATION:
Hollis Tax Map 28, Lot# 17

2011-02088 SMITH, STEPHEN
KENSINGTON Unnamed Stream

COMPLETE NOTIFICATION:
Kensington Tax Map 10, Lot# 3, 4

2011-02089 HAURI, ANGELA/MARIUS
WESTMORELAND Unnamed Stream

COMPLETE NOTIFICATION:
Westmoreland Tax Map R15, Lot# 43

2011-02129 SPNHF
DEERING Unnamed Stream

COMPLETE NOTIFICATION:
Deering Tax Map 223, Lot# 16, 19, 21

2011-02130 SLOAN, ANNE
RAYMOND Unnamed Stream

COMPLETE NOTIFICATION:
Raymond Tax Map 3, Lot# 52A

2011-02131 BANKS, ELIZABETH
UNITY Unnamed Stream

COMPLETE NOTIFICATION:
Unity Tax Map 3, Lot# 407 & 448

2011-02132 DOUETTE, LINDA
CANDIA Unnamed Stream

COMPLETE NOTIFICATION:
Candia Tax Map 405, Lot# 126

2011-02151 MARPLE JR, WESLEY
ACWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Acworth Tax Map 248, Lot# 19

2011-02152 GIRARD, STEPHEN/CATHERINE BRENN
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax Map U2, Lot# 49 & 30

2011-02154 PETERSON, JOHN/LYNN
BELMONT Unnamed Stream

COMPLETE NOTIFICATION:
Belmont Tax Map 210, Lot# 28 & 38

2011-02157 KENERSON, LAUREY/MARIE
WEARE Unnamed Stream

COMPLETE NOTIFICATION:
Weare Tax Map 410, Lot# 14

2011-02223 STRYMISH, JOHN
ORFORD Unnamed Stream

COMPLETE NOTIFICATION:
Orford Tax Map 8-29, Lot# 71A, 71B, 71C

2011-02224 PITTS, SCOTT/MARY
RAYMOND Unnamed Stream

COMPLETE NOTIFICATION:
Raymond Tax Map 31, Lot# 2

2011-02230 SMITH, RICHARD
SULLIVAN Unnamed Stream

COMPLETE NOTIFICATION:
Sullivan Tax Map 2, Lot# 15

2011-02233 DOLLARD, MICHAEL
AUBURN Unnamed Stream

COMPLETE NOTIFICATION:
Auburn Tax Map 9, Lot# 2

2011-02234 YANKEE FOREST LLC, C/O WAGNER FOREST MGMT
MILAN Unnamed Stream

COMPLETE NOTIFICATION:
Milan Tax Map 42, Lot# 2 Parcel M

2011-02243 LANDSTROM, NANCY
FARMINGTON Unnamed Stream

COMPLETE NOTIFICATION:
Farmington Tax Map R2, Lot# 2

2011-02244 MATHES FAMILY LIMITED PARTNERSHIP
DEERFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Deerfield Tax Map 420, Lot# 18

2011-02245 TUIITE, STEVE
DEERING Unnamed Stream

COMPLETE NOTIFICATION:
Deering Tax Map 215, Lot# 30

2011-02246 SAGALYN, JAMES
LEMPSTER Unnamed Stream

COMPLETE NOTIFICATION:
Lempster Tax Map 9, Lot# 291,256

2011-02247 SAGALYN, JAMES
WASHINGTON Unnamed Stream

Conservation Commission/Staff Comments:

See File 11-2246 for fee amount

COMPLETE NOTIFICATION:

Washington Tax Map 1, Lot# 1

2011-02248 SAGALYN, JAMES
GOSHEN Unnamed Stream

COMPLETE NOTIFICATION:

Goshen Tax Map 401, Lot# 1

2011-02250 NOSEWORTHY, JOHN/BARBARA
CAMPTON Unnamed Stream

COMPLETE NOTIFICATION:

Campton Tax Map 15, Lot# 2-44

2011-02263 STONE MOUNTAIN LLC
RICHMOND Unnamed Stream

COMPLETE NOTIFICATION:

Richmond Tax Map A4, Lot# 13

2011-02264 FLYNN, RONALD
BETHLEHEM Unnamed Stream

COMPLETE NOTIFICATION:

Bethlehem Tax Map 204, 115 & 118

2011-02265 HAMEL, BRUCE & MARCIA
LITTLETON Unnamed Stream

COMPLETE NOTIFICATION:

Littleton Tax Map 238, Lot# 2, 6, 7

2011-02274 CHRISENTON, THOMAS
LYNDEBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:

Lyndeboro Tax map 228, Lot # various

2011-02275 KIDDER, MEGAN BURKE
KEENE Unnamed Stream

COMPLETE NOTIFICATION:

Keene Tax Map 925, Lot# 1, 2, 6, 7

2011-02280 SULLIVAN COUNTY FARM
UNITY Unnamed Stream

COMPLETE NOTIFICATION:
Unity Tax Map 6, Lot# 749

2011-02281 SULLIVAN COUNTY FARM
UNITY Unnamed Stream

COMPLETE NOTIFICATION:
Unity Tax Map 12, Lot# 619

2011-02283 EDSON, LIBBY
ENFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Enfield Tax Map 17, Lot# 28-1, 28-2

2011-02301 TRINITY CONSERVATION LLC
BARRINGTON Unnamed Stream

COMPLETE NOTIFICATION:
Barrington Tax Map 210, Lot# 44

2011-02302 MCCULLOUGH, JILL
CANTERBURY Unnamed Stream

COMPLETE NOTIFICATION:
Canterbury Tax Map 225, Lot# 2

2011-02303 FIOREY, DIANA/RUSSELL
SURRY Unnamed Stream

COMPLETE NOTIFICATION:
Surry Tax Map 1, Lot# 27, 30

2011-02304 TREES AND TRAILS LLC
BATH Unnamed Stream

COMPLETE NOTIFICATION:
Bath Tax Map 7, Lot# 28

2011-02305 COPITHORNE, MARTHA
OSSIPEE Unnamed Stream

COMPLETE NOTIFICATION:
Ossipee Tax Map 230, Lot# 4000

2011-02306 FERRARI, LOUIS
LACONIA Unnamed Stream

COMPLETE NOTIFICATION:
Laconia Tax Map 22, Lot# 33

2011-02333 S & M FOREST TRUST
LOUDON Unnamed Stream

COMPLETE NOTIFICATION:
Loudon Tax Map 22, Lot# 31

2011-02334 BRISTOL, ADAM
LYME Unnamed Stream

COMPLETE NOTIFICATION:
Lyme Tax Map 403, Lot# 43

2011-02335 LARY FAMILY TRUST
CANAAN Unnamed Stream

COMPLETE NOTIFICATION:
Canaan Tax Map 13, Lot# 2

2011-02336 NICHOLS, SCOTT
LYME Unnamed Stream

COMPLETE NOTIFICATION:
Lyme Tax Map 402, Lot# 26-2

2011-02337 COOMBS, JEFFERY/SHERRI
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax Map R1, Lot# 53

2011-02338 TWITCHELL HEIRS
ERROL Unnamed Stream

COMPLETE NOTIFICATION:

Errol Tax Map R5, Lot# 3

2011-02341 DONIGIAN, JACOB/JANICE
BARNSTEAD Unnamed Stream

COMPLETE NOTIFICATION:

Barnstead Tax Map 1, Lot# 16, 24

2011-02365 SULLIVAN COUNTY FARM
UNION Unnamed Stream

COMPLETE NOTIFICATION:

Unity Tax Map 6, Lot# 617

EXPEDITED MINIMUM

2011-01544 DOVER, CITY OF
DOVER Unnamed Wetland

Requested Action:

The University of New Hampshire requests a permit amendment to adjust the location of the proposed stormwater wetland in order to treat an additional 11 acre drainage area and remove sediment from an existing 36" outlet structure and drainage area.

APPROVE AMENDMENT:

Amend the permit to read:

The University of New Hampshire will utilize its ARM fund grant to significantly restore and reconnect Berry Brook to the Cocheco River. The project impacts include: 1,300 sq.ft. of wetland that will be restored following project completion; approximately 3,000 sq.ft of wetland for construction of a stormwater wetland; and perform maintenance dredge near an existing 36" outlet structure and drainage swale. The project will significantly restore 0.9 miles of 1st order stream, create and protect 196,186 sq.ft. of upland buffer, restore and create 246,903 sq. ft. of wetlands, and reconnect Berry Brook to the Cocheco River.

With Conditions:

With amended conditions:

1. All work shall be in accordance with plans by UNH Stormwater Center dated June 6, 2011, and September 12, 2011 as received by the NH Department of Environmental Services (DES) on June 29, 2011 and September 16, 2011. Final full size plans shall be submitted for review and approval.
2. Temporary disturbance to wetland areas shall be stabilized and restored following completion of work.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

5. No fill shall be done for lot development.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be done during low flow.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

With Findings:

1. The project is deemed minimum impact according to Rule Env-Wt 303.04(t) with the addition of the proposed changes.

2011-01737 KELLEY, MARK
RANDOLPH Unnamed Wetland

Requested Action:

Install a 36" diameter x 45' long culvert and fill 370 feet in a previously excavated ditch to route roadway stormwater to an existing driveway culvert.

APPROVE PERMIT:

Install a 36" diameter x 45' long culvert and fill 370 feet in a previously excavated ditch to route roadway stormwater to an existing driveway culvert.

With Conditions:

1. All work shall be in accordance with plans by Beaver Tracks LLC dated 8/29/2011, as received by the NH Department of Environmental Services (DES) on 8/31/2011.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Work shall be done during a period of non- flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), projects that disturb less than 50 linear feet of an intermittent non-tidal stream provided construction is performed during periods of non-flow.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The stormwater ditch was dug in uplands across the applicant's property by others associated with repairs to Randolph Hill Road, and has diminished the use of the applicant's property.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. There was no ditch cut through the upland yard prior to the road work; this proposal returns the applicant's yard to its previous condition without impacting stormwater flow from Randolph Hill Road.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project area.
5. The Randolph Conservation Commission signed the expedited minimum impact application.

2011-01783 STEVENS, BETH/BRIAN
NEW BOSTON Unnamed Wetland

Requested Action:

Approve name change to: Beth & Brian Stevens, 165 Mont Vernon Rd, New Boston NH 03070 per request received 9/19/11.

Previous owner: Mark & Rhonda Luedke.

APPROVE NAME CHANGE:

Dredge and fill \pm 750 square feet of palustrine forested wetlands for alternate driveway access to two (2) existing residential lots.

With Conditions:

1. All work shall be in accordance with plans by Todd Land Use Consultants, LLC dated July 14, 2011, as received by the Department on July 26, 2011.
2. Work shall be done during low flow conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culverts shall be laid at original grade.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

2011-01957 BRADFORD, TOWN OF
BRADFORD Unnamed Stream

Requested Action:

Dredge and fill \pm 675 sq. ft. of unnamed perennial stream for in-kind replacement of an existing 48-inch overflow culvert at David Road.

APPROVE PERMIT:

Dredge and fill \pm 675 sq. ft. of unnamed perennial stream for in-kind replacement of an existing 48-inch overflow culvert at David Road.

With Conditions:

1. All work shall be in accordance with plans received by the Department on August 12, 2011.
2. Work shall be done during low flow conditions.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. There shall be no excavation or operation of construction equipment in flowing water.

8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
10. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
11. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Culverts shall be laid at original grade.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
19. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
20. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
21. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
22. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), in-kind replacement of a culvert.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

2011-02026 HYDER, MITCHELL/EDWARD
PORTSMOUTH Unnamed Wetland

Requested Action:

Dredge and fill 1,963 square feet of an artificially created, isolated wet depression, for development of an urban, multi-unit residential lot.

APPROVE PERMIT:

Dredge and fill 1,963 square feet of an artificially created, isolated wet depression, for development of an urban, multi-unit residential lot.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering Inc. dated 8/9/2011, as received by the NH Department of Environmental Services (DES) on 8/22/2011.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes

steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The isolated wetland depression was artificially created and is marginally jurisdictional.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project area.
5. The Portsmouth Conservation Commission signed the expedited minimum impact application.

2011-02038 GOLD, GERRY
NEW LONDON Unnamed Pond

Requested Action:

Dredge 15,134 sq. ft. of an existing pond, replace outlet structure and outlet discharge pipe, and repair erosion of outlet discharge pipe and spillway.

APPROVE PERMIT:

Dredge 15,134 sq. ft. of an existing pond, replace outlet structure and outlet discharge pipe, and repair erosion of outlet discharge pipe and spillway.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers, dated August 2011, as received by the Department on August 23, 2011.
2. All work shall be done under draw down and in the dry and during low flow conditions.
3. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Machinery shall not be located within surface waters, where practicable.
6. Machinery shall be staged and refueled in upland areas.
7. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
9. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(k), maintenance dredge of an existing pond; and Env-Wt 303.04(x), maintenance repair.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application

Evaluation, has been considered in the design of the project.

2011-02066 MOUNTAIN LAKES VILLAGE DISTRICT
WOODSVILLE Mountain Lake

Requested Action:

In-kind replacement of a 36-inch by 20-foot HDPE culvert for continued usefulness of the emergency drain of dam 112.12 of Upper Mountain Lake.

Conservation Commission/Staff Comments:

The Haverhill Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

In-kind replacement of a 36-inch by 20-foot HDPE culvert for continued usefulness of the emergency drain of dam 112.12 of Upper Mountain Lake.

With Conditions:

1. All work shall be in accordance with plans dated 8-2011, as received by the NH Department of Environmental Services (DES) on August 25, 2011.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
6. Faulty equipment shall be repaired prior to entering jurisdictional areas.
7. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
8. All refueling of equipment shall occur outside of surface waters or wetlands.
9. Work shall be done during seasonal low flow conditions.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. No fill shall be done for lot development.
12. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for any other construction related activities.
13. Repair shall maintain existing size, location and configuration.
14. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Proper headwalls shall be constructed within seven days of culvert installation.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet..
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

5. Abutter notification is not required pursuant to Env-Wt 501.01(c).

GOLD DREDGE

2011-02362 GERLARNEAU, TERRY
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Com

TRAILS NOTIFICATION

2011-02232 KENNEDY, JAMES
HANOVER Unnamed Stream

COMPLETE NOTIFICATION:
Hanover Tax MAp 12, Lot# 31, 114

LAKES-SEASONAL DOCK NOTIF

2011-02363 RICHARD, CRAIG
MEREDITH Lakewinnepesaukee

COMPLETE NOTIFICATION:
Installation of a seasonal docking structure

X-SHORELAND VARIANCE / WA

2005-00359 MICHAEL, WENDY
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:
Increase the footprint to a nonconforming primary structure 65 sq ft within the 50 ft primary building setback to reference line,
improve stormwater runoff by removing a 425 sq ft nonconforming deck extending 12 ft from the dwelling towards the reference line
and improve beach with a retaining wall lined with geo-textile fabric.

AMENDMENT APPROVED: Amend waiver to construct drainage swail in lieu of retaining wall.

APPROVE AMENDMENT:

Increase the footprint to a nonconforming primary structure 65 sq ft within the 50 ft primary building setback to reference line, improve stormwater runoff by removing a 425 sq ft nonconforming deck extending 12 ft from the dwelling towards the reference line and improve beach with a retaining wall lined with geo-textile fabric.

With Conditions:

1. All work shall be conducted in accordance with plans dated August 30, 2011 and received by the department on September 1, 2011.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. This waiver shall not be effective until an application is filed and approved for proposed beach improvements. No construction shall start prior to receiving a beach restoration permit.
4. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
5. No decks or porches shall extend from the nonconforming primary structure closer than 29.7 ft away from the reference line
5. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
7. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
8. The owner shall maintain compliance with all other requirements of the Shoreland Water Quality Protection Act, RSA 483-B.

With Findings:

PROJECT DESCRIPTION: Increase the footprint to a nonconforming primary structure 65 sq ft within the 50 ft primary building setback to reference line, improve stormwater runoff by removing a 425 sq ft nonconforming deck extending 12 ft from the dwelling towards the reference line and improve beach with a retaining wall lined with geo-textile fabric.

1. The existing non-conforming residence is located within the 50 ft primary building setback to Lake Winnepesaukee and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to improve surface water runoff by removing semi-impervious surfaces and construct a retaining wall to divert surface water runoff away from the beach and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I

ROADWAY MAINTENANCE NOTIF

2011-02388 DUBLIN, TOWN OF
DUBLIN Unnamed Stream

COMPLETE NOTIFICATION:

Replace a collapsed 15" culvert

**2011-02389 NH DEPT OF TRANSPORTATION
EAST KINGSTON Unnamed Wetland**

COMPLETE NOTIFICATION:

Remove 32 feet of a 15" culvert, construct 40 feet of 15" culvert and two new headwalls at inlet & outlet

**2011-02427 NH DEPT OF TRANSPORTATION
ERROL Unnamed Stream**

COMPLETE NOTIFICATION:

Replace an existing 18" culvert and extend 5 feet

PERMIT BY NOTIFICATION

**2011-02054 NH DEPT OF TRANSPORTATION
WAKEFIELD Branch River**

Requested Action:

Impact 3,483 sq. ft. for the S abutment to be underpinned, maintain existing riprap and replace deck.

Conservation Commission/Staff Comments:

Cons. Comm. - no comments

PBN IS COMPLETE:

Impact 3,483 sq. ft. for the S abutment to be underpinned, maintain existing riprap and replace deck. NHDOT project 99416Z.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(x), repair of existing non-docking structures with no change in size, location or configuration.

**2011-02300 SWIDLER, JOSHUA
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Repair of existing docking structures with no change in size, location or configuration and install 2 PWC lifts.

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration and install 2 PWC lifts.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2011-02318 GRAY, ELIZABETH
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2011-02320 ARCADIA CAMPGROUND
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2011-02332 JULIA BOGHOSIAN SISTER TRST
WINDHAM Cobbett's Pond

Requested Action:

Repair existing retaining walls that is performed "in the dry" during drawdown and that results in no change in height, length, location, or configuration.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair existing retaining walls that is performed "in the dry" during drawdown and that results in no change in height, length, location, or configuration.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair existing retaining walls that is performed "in the dry" during drawdown.

**2011-02367 QUINBY'S POINT BOAT CLUB, RAY THERRIAN
LACONIA Lake Winnepesaukee**

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2011-02368 HARRISVILLE, TOWN OF
HARRISVILLE Russell Reservoir**

Requested Action:

Replenish an existing beach with less than 10 cubic yards of sand.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Replenish an existing beach with less than 10 cubic yards of sand.

With Findings:

Replenish an existing beach with less than 10 cubic yards of sand.

**2011-02402 TALBOT FAMILY REALTY TRUST
MEREDITH Lake Winnepesaukee**

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2011-02403 PAUGH, JAMES
MEREDITH Lake Winnepesaukee

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2011-02404 HARRINGTON, CAROL/JOHN
ALTON Hills Pond

Requested Action:

Replenishment of a beach with less than 3 cubic yards of sand.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Replenishment of a beach with less than 3 cubic yards of sand.

With Findings:

Replenishment of a beach with less than 10 cubic yards of sand.

CSPA PERMIT

2009-02326 BARNEY, KENNETH
ALTON Lake Winnepesaukee

Requested Action:

Amendment Description: Impact 280 sq ft to construct a 4ft wide walkway through the waterfront buffer and stairs with a 9'6" x 9'6" landing near water edge.

Impact 7,227 sq ft for the construction of a 3 bedroom house with porch and steps, septic, regrading, well and waterline.

APPROVE AMENDMENT:

Amendment Description: Impact 280 sq ft to construct a 4ft wide walkway through the waterfront buffer and stairs with a 9'6" x 9'6" landing near water edge.

Impact 7,227 sq ft for the construction of a 3 bedroom house with porch and steps, septic, regrading, well and waterline.

With Conditions:

1. All work shall be in accordance with plans by Folsom Group Design dated September 21, 2009 with revised plans by Lyle Trumbull dated September 6, 2011 and received by the Department of Environmental Services ("DES") on September 8, 2011.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. No more than 7.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 3,650 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,759 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-01953 TRACY, MARGARET/RICHARD
MEREDITH Lake Winnepesaukee

Requested Action:

Impact 5,420 sq ft for the purpose of constructing a new foundation, associated accessory structures and installing a new septic system and stormwater controls.

APPROVE PERMIT:

Impact 5,420 sq ft for the purpose of constructing a new foundation, associated accessory structures and installing a new septic system and stormwater controls.

With Conditions:

1. All work shall be in accordance with revised plans by Ames Associates and received by the Department of Environmental Services ("DES") on September 22, 2011.
2. No more than 29.9% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
3. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.
4. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
5. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate

stormwater.

6. No impacts shall occur to natural ground covers within the waterfront buffer.
7. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
8. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 315 sq ft of unaltered area between 50 ft and 150 ft of the reference line, as delineated on plans titled, "Proposed Conditions Plan" and received by DES must remain in an unaltered state.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
12. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Silt fencing must be removed once the area is stabilized.

2011-02073 TURNER JR, HAROLD
CONCORD Turtletown Pond

Requested Action:

Impact 2,020 sq ft in order to construct a 6ft wide path to access a seasonal dock.

APPROVE PERMIT:

Impact 2,020 sq ft in order to construct a 6ft wide path to access a seasonal dock.

With Conditions:

1. All work shall be in accordance with plans by Oak Hill Environmental Services dated September 1, 2011 and received by the NH Department of Environmental Services (DES) on September 2, 2011.
2. At least 11,325 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-02329 BERGEN, ELSTON
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 144 sq ft in order to extend existing deck.

APPROVE PERMIT:

Impact 144 sq ft in order to extend existing deck.

With Conditions:

1. All work shall be in accordance with plans by Elston Bergen dated September 1, 2011 and received by the NH Department of Environmental Services (DES) on September 14, 2011.
2. No more than 30% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

CSPA PERMIT W/WAIVER

2009-02702

FITZPATRICK, RICHARD

MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 3,575 for the purpose of expanding a nonconforming residential dwelling and expanding an existing garage.

APPROVE AMENDMENT:

Impact 3,575 for the purpose of expanding a nonconforming residential dwelling and expanding an existing garage.

With Conditions:

1. All work shall be in accordance with revised plans by Ames Associates dated September 6, 2011 and received by the Department of Environmental Services ("DES") on September 6, 2011.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 26.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 1,935 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. In order to remain compliant with RSA 483-B:9, V, (b),(2), no impacts will occur to native vegetation between 50 ft and 150 ft from the reference line.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas to remain in an unaltered state.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to remove approximately 120 sq ft of impervious surface coverage within the waterfront buffer of the protected shoreland.
4. The applicant has proposed to plant additional native vegetation within the natural woodland buffer and waterfront buffer.
5. The additional plantings will allow one deficient grid segment within the waterfront buffer to achieve the minimum required point score.
6. The applicant has proposed to reduce impervious area within the waterfront buffer and enhance the waterfront and natural woodland buffers with natural, native vegetation, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

UTILITY NOTIFICATION

2011-02285 UNITIL SERVICE CORP
GREENLAND Unnamed Wetland

COMPLETE NOTIFICATION:
Equipment repair & maintenance

2011-02286 UNITIL SERVICE CORP
PORTSMOUTH Unnamed Wetland

COMPLETE NOTIFICATION:
Equipment repair & maintenance

2011-02287 UNITIL SERVICE CORP
NEWINGTON Unnamed Wetland

COMPLETE NOTIFICATION:
Equipment repair and maintenance

2011-02313 NATIONAL GRID
BATH Unnamed Wetland

COMPLETE NOTIFICATION:
Utility maintenance on the B202 transmission line to include insulator, cross arm, pole, sheildwire, conductor replacement, grounding & culvert and access road repairs

2011-02314 NATIONAL GRID
HAVERHILL Unnamed Wetland

COMPLETE NOTIFICATION:
Utility maintenance on the B202 transmission line to include insulator, cross arm, pole, sheildwire, conductor replacement, grounding & culvert and access road repairs

2011-02316 NATIONAL GRID
WEBSTER Unnamed Wetland

COMPLETE NOTIFICATION:
Utility maintenance on the B202 transmission line to include insulator, cross arm, pole, sheildwire, conductor replacement, grounding & culvert and access road repairs